

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Robert Louis Garrett, Jr.,

Plaintiff

v.

Chad Binkley; Unknown Officers,

Defendants.

C/A. No. 0:18-1416-CMC-PJG

Order

Plaintiff Robert Louis Garrett, Jr. (“Plaintiff”) brought this *pro se* action alleging violations of his constitutional rights while incarcerated in the South Carolina Department of Corrections. This matter is before the court on Plaintiff’s motion to alter or amend the district court’s order denying his motion for preliminary injunction (ECF No. 95).¹ ECF No. 104. Defendants have not responded.

In his motion, Plaintiff objects to one sentence on page three of the order denying his motion for preliminary injunction, which states “Garrett initially filed one case with many Defendants, which was reviewed by the Magistrate Judge and determined to be, in actuality, four different actions complaining of different acts at different institutions.” ECF No. 95 at 3 n.1. Plaintiff argues two of the four Civil Actions (No. 18-1416 and 18-1417) concern incidents taking place approximately 1.5 months apart at the same institution, and therefore should be consolidated as one Civil Action. ECF No. 104.

¹ Although Plaintiff’s motion states “Motion to Alter or Amend Judgement/Order (Document 95 and 95-1),” there was no judgment associated with the Order denying Plaintiff’s motion for preliminary injunction, and no document 95-1 exists.

Plaintiff requests the court combine cases 18-1416 and 18-1417, as they both concern incidents in which Plaintiff alleges he was subjected to excessive use of force via mace at Perry Correctional Institution. However, the cases involve different actors named as Defendants and different circumstances surrounding each incident. This type of case, without common defendants or facts, is typically not consolidated, and the court sees no reason to do so here.² Further, the sentence in the footnote to which Defendant objects is accurate as written, even if Plaintiff disagrees with it. Accordingly, no changes will be made to the Order denying Plaintiff's motion for preliminary injunction in this case. Plaintiff's motion to alter or amend (ECF No. 104) is dismissed.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
May 30, 2019

² Plaintiff argues the Magistrate Judge has consolidated "incidents" taking place at Broad River Correctional Institution over a several month period into one Civil Action, 18-1418. However, Plaintiff does not argue those "incidents" were multiple occurrences of mace being used on him, like the ones in Civil Actions 18-1416 and 18-1417.